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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,100	12/16/2003	Martin Miles Gosling	Bg/mmg64	3630
7590		06/28/2007	EXAMINER	
Martin Gosling		HADIZONOOZ, BANAFSHEH		
August-Euler-Zeile 11		ART UNIT		
Berlin, 14089		PAPER NUMBER		
GERMANY		3714		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,100

Applicant(s)

GOSLING, MARTIN MILES

Examiner

Banafsheh Hadizonooz

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Detailed Action

Responsive to the communication filed on 04/20/2004, Claims 1-18 are pending. This office action is made Non-Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Morrel-Samuels (US 5,795,155).

Morrel discloses a system, either stand alone or part of a network in its broadest sense, capable of presenting a questionnaire survey to a respondent or plurality of respondent's for completion which is characterized by an input device (See Fig.2, element 88), display device (e.g. LCD) (See Col.3, 48-51), storage device and processing unit (See Fig.2, elements 84 and 85).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim1 is rejected under 35 U.S.C. 103(a) as being anticipated by Morrel-Samuels (US 5,795,155).

[Claims 1, 4, 7]: Morrel discloses a system and method which is characterized by asking the respondents to answer two sets of questions (e.g. parts 14 and 16)(See Col.2, 59-64), with both sets of questions being based on similar statements, but posed differently (See Col.4, 33-38). Morrel further includes a number of validation measures in his invention (See Col.4, 33-34), wherein the questions are directed toward the same domain (e.g. behavioral, visionary, etc) to increase the reliability of the survey (See Col.4, 33-43). Morrel does not specifically disclose that the questions are answered both emotionally and rationally by the applicants. However, the emotional response settings (e.g. agree, don't agree and don't know answers) and the rational response settings (e.g. choosing among series of statements) are well known test strategies in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Morrel's invention in order to incorporate a better validation measures into the survey system of Gosling.

[Claims 2-10]: Morrel further discloses subdividing the subject matter of the questionnaire into common groups (e.g. realistic, visionary and ethical sections) (See Col.3, 6-24) in which the said statements are equally distributed in number amongst the groups.

Regarding claim 3, Morrel further discloses two sets of said similar statements in which both sets of statements (e.g. the summary statement following the independent

statements) contain sentences with the same meaning, but using different words (see Col.4, 50-56).

With respect to claim 5, Morrel discloses a second set of questions (e.g. part 16) in which the said questions group together a number of statements from the said second set of statements (See Col.4, 63- Col.5, 6).

Regarding claim 6, Morrel discloses wherein the second statement groupings depend upon the respondent's answer to the first set of questions (See Fig.3, and Col.6, 45-53).

As per claim 8 and 9, Morrel further discloses scoring and ranking the responses to the first set of questions in which the respondent's emotional response is given a value (e.g. between 1 and 10) representing the level of conviction of the respondent's emotional responses to the said question (See Col.5, 19-31) .

Regarding claim 10, Morrel further discloses comparing the responses from the respondent or plurality of respondents in which the closeness of match of both sets of responses is quantifiably measured, therefore giving a value for respondent or plurality of respondents' satisfaction.

Claim 12- 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrel-Samuel (US 5, 795,155) in view of Brookler et al. (US 2002/0007303).

[Claims 12-18]: Regarding claim 12, Morrel discloses a survey system comprising a first part and the second part. However, Morrel does not specifically disclose a centrally coordinated distribution system for questionnaire survey. However, Brookler discloses a method for providing a centrally coordinated distribution of surveys

(e.g. publishing engine) on behalf of a number of questionnaire survey originators for those surveys where such feature would be beneficial (See fig.1 element 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the features of the Bookler's invention into the system and method of Morrel in order to design a system that is more efficient and is more compatible with various interfaces.

With respect to claim 13, Bookler discloses presenting a questionnaire survey in which, having registered a desire to partake in the survey by either running a standalone computer program or logging on to the said survey in the said network environment (See Fig.4, and P.4, [0060]). The first part of the questionnaire is presented to the respondent on the said display device for completion (See Fig.4, element 66 and P. 4, [0061]). The respondent's inputs are registered from the said input device (See Fig.4, element 66), the responses are stored in the storage device (See element 70). The responses are processed in the said processing unit (e.g. analysis engine) and based on the results, the questionnaire for the second part of the questionnaire are dynamically arranged and presented on the said display device for completion (See element 72), after which the respondent's resulting input on the said processing unit and finally stored in the said storage device. A summary of the respondent's results can be presented to the respondent in both of textual and graphical format on the said display device (See P.4, [0061]).

Regarding claim 14, Bookler discloses a level of anonymity to be associated with the said questionnaire survey (e.g. anonymous user profiles) in the said network

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environment in which each respondent receives a login and password, which are stored in the database and can be defined so as to either identify the respondent, or not and prevent the respondent from entering multiple responses, or not. The said questionnaire survey originator means the individual conducting the questionnaire survey (See P.4, [0062]).

As per claim 15, Morrel further discloses giving the respondents immediate feedback in which a textual and/or graphical summary of their input is shown immediately on the display device following their completion of the survey (See figs. 4B, 4D).

Regarding claim 17, Morrel discloses a method, wherein the input device is able to interrogate the inputs stored in the said storage device, process the inputs in the processing unit and present the results on the display device both textually and graphically (See Col.7, 38-49).

With respect to claim 18, Bookler discloses summarizing the inputs from a questionnaire survey in which not only can each questionnaire survey originator see the results, but also the entity's entire industry (e.g. publishing the survey)(see P.3, [0050]).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272- 6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH


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